

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
Class A Television Application of)	DA 00-1225, DA 00-1224
K Licensee, Inc.,)	
WEBR(LP), Facility ID 67866)	MM Docket No. <u>00-10</u>
)	
Establishment of a Class A)	
Television Service)	
)	

**COMMENTS OF THE
NEW YORK METROPOLITAN ADVISORY COMMITTEE**

The New York Metropolitan Advisory Committee (NYMAC), represented by the Police Department of the City of New York and the Police Department of the County of Suffolk, New York, submits these comments in response to Public Notice DA 00-1225 in the above-referenced proceeding. The Commission's Public Notice of June 2, 2000¹ indicates that K Licensee Inc., the licensee of low power television station WEBR(LP), Channel 17, Manhattan, New York ("WEBR(LP)") has been deemed eligible to file an application for Class A station status. WEBR(LP) filed such an application on July 7, 2000.² NYMAC hereby requests that, pursuant to the Commission's Report and Order establishing Class A Television Service,³ WEBR(LP)'s authority to operate as a Class A station be subject to the

¹ See Certificates of Eligibility for Class A Television Status, *Public Notice*, DA 00-1224 (Jun. 2, 2000).

² See Letter from Julian L. Shepard, Verner Liipfert Bernhard McPherson and Hand, Counsel to K. Licensee, Inc., to Magalie Roman Salas, Secretary of the Federal Communications Commission, Re: K Licensee Inc., Application for Class A. Television Broadcast Station License (FCC Form 302-CA), (Jul. 7, 2000).

³ See In the Matter of Establishment of a Class A Television Service, *Report and Order*, FCC 00-115 (Mar. 28, 2000) para.84, ("Report and Order").

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agreement between WEBR(LP) and NYMAC, evidenced by the letter submitted to the Commission on March 27, 2000.⁴

WEBR(LP) is a Korean language television station serving the New York City metropolitan area and broadcasts on Channel 17. NYMAC is the alliance of public safety agencies in the New York City area⁵ that received authority to use frequencies in the 482-488 MHz band, television Channel 16, for purposes of public safety communications.⁶

WEBR(LP) and NYMAC have cooperated in ensuring that public safety communications are not subject to interference and entered into a written agreement to that end.

In establishing the rules for Class A television, the Commission recognized the circumstances in the New York metropolitan area and the importance of public safety communications. The Commission sought comment on protecting Channel 16 in the New York Metropolitan area.⁷ In the Report and Order, the Commission stated that “it is most consistent with the statutory scheme and the waiver granted for public safety land mobile use of Channel 16 in New York City that WEBR-LP and the NY police continue to cooperate to

⁴ See Letter from Y.U. Kwon of WEBR(LP), Vincent R. Stile, Director and Chairman of NYMAC Police Communications Systems, County of Suffolk Police Department, and Vincent M. Mansfield, Deputy Chief and Commanding Officer, Office of Technology and Systems Development, Police Department of the City of New York, to Roy Stewart, Chief of Mass Media Bureau, Federal Communications Commission (March 27, 2000); attached herein.

⁵ The following New York City Metropolitan area municipal agencies are members of the NYMAC: New York City Police Dept., New York City Fire Dept., New York City Dept. of Corrections, New York City Dept. of Parks and Recreation, New York city Dept. of Information Technology and Telecommunications, New York City Dept. of Transportation, New York City Transit Authority; City of Yonkers, New York, Fire Dept.; City of Yonkers, New York, Police Dept.; City of New Rochelle, New York, Police Dept.; Nassau County, New York, Police Dept.; Suffolk County, New York, Police Dept. (representing Suffolk County); Elmont, New York, Fire District; Bergen County, New Jersey, Police Dept.

⁶ See In the Matter of Waiver of Parts 2 and 90 of the Commission's Rules to Permit New York Metropolitan Area Public Safety Agencies to Use Frequencies at 482-488 MHz on a Conditional Basis, *Order*, FCC 95-115, 10 FCC Rcd 4466 (Mar. 17, 1999).

⁷ See *Report and Order* at para. 83.

ensure that neither party interferes with the other's transmission on Channel 16.”⁸ The Commission noted the agreement in its Report and Order and said that it would “include it in the record of any application filed by WEBR-LP to become a Class A television station.”⁹ The agreement is attached to this Comment.

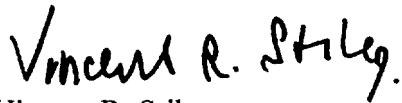
The agreement between WEBR(LP) and NYMAC requires 60 days advance notice by either party wishing to change, alter, or modify its transmission facilities in a way that may adversely affect or cause interference to the other party's communications system(s). In addition, if engineering analysis or testing indicates that the modification will cause objectionable interference, WEBR(LP) and NYMAC agreed to cooperate and to make revisions to prevent interference from occurring. If an agreement cannot be reached by the parties alone, the matter will be presented to the Commission for resolution. Both parties asked that the agreement be placed in the record of the proceedings as well as in the record of WEBR(LP)'s application for Class A status.

⁸ See *ibid.* at para. 84.

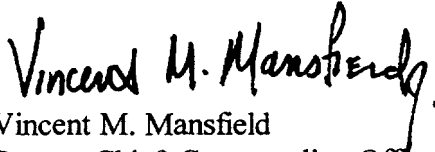
⁹ See *ibid.*

The agreement between WEBR(LP) and NYMAC implements the Commission's Report and Order establishing rules for the Class A Television Service. NYMAC urges that the Commission condition WEBR(LP)'s or its successor's authority to operate as a Class A television service to the provisions of the March 27, 2000 agreement.

Respectfully Submitted,



Vincent R. Stile
Director, Chairman
NYMAC
Police Communications Systems
County of Suffolk Police Department
30 Yaphank Avenue
Yaphank, New York 11980
(631) 852 - 6431



Vincent M. Mansfield
Deputy Chief, Commanding Officer
Office of Technology and Systems Development
Police Department of the City of New York
1 Police Plaza
New York, New York 10038
(212) 374-2473

July 14, 2000



March 27, 2000

Mr. Roy Stewart
Chief, Mass Media Bureau
Federal Communications Commission
Washington, D.C. 20554

Re: *In the Matter of Establishment of Class A
Television Service*, MM Docket No. 00-10, MM Docket
No. 99-292, RM-9260

Dear Mr. Stewart:

Pending before the Federal Communications Commission ("FCC") is a Notice of Proposed Rulemaking to implement the provisions of the Community Broadcasters Protection Act of 1999 (CBPA), that requires the FCC to establish a Class A Television Service. This letter sets forth an agreement between K Licensee Inc., the licensee of low power television station WEBR(LP), Channel 17, Manhattan, New York ("WEBR(LP)", and the New York Metropolitan Advisory Committee (NYMAC), represented by the Police Department of the City of New York and the Police Department of the County of Suffolk, New York, regarding continued coordination between WEBR(LP) and NYMAC (each referred to as a "Party" and collectively "the Parties") to ensure that the ongoing use of frequencies in the 482-488 MHz band (television Channel 16) by NYMAC agencies for public safety communications systems continues without interference from, or to, WEBR(LP).

WEBR-LP is a Korean language television station serving the New York City metropolitan area. Its programming is broadcast twenty-four hours a day and includes locally produced Korean-language public interest programming and other Korean language programming. WEBR-LP is a major source of information to the large Korean American population in the New York City area and has made a long-term commitment in this regard. WEBR-LP broadcasts on Channel 17. NYMAC is the alliance of public safety agencies in the New York City area¹ that received a conditional waiver of the

¹ The following New York City Metropolitan area municipal agencies are members of the NYMAC: New York City Police Dept., New York City Fire Dept., New York City Dept. of Corrections, New York City Dept. of Parks and Recreation, New York City Dept. of Information Technology and Telecommunications, New York City Dept. of Transportation, New York City Transit Authority; City of Yonkers, New York, Fire Dept.; City of Yonkers, New York, Police Dept.; City of New Rochelle, New York, Police Dept.; Nassau County, New York, Police Dept.; Suffolk County, New York, Police Dept. (representing Suffolk County); Elmont, New York, Fire District; Bergen County, New Jersey, Police Dept.

FCC's rules in 1995 (the "1995 Waiver Order")² to use frequencies in the 482-488 MHz band, television Channel 16, for purposes of public safety communications. Since that time, the NYMAC member agencies have committed in excess of \$40 million to assure quality public safety communications, thereby enabling police, fire, emergency services and other agencies to respond more quickly and effectively to citizens in need. The use of channel 16 in the New York Metropolitan area, and the need to ensure that its transmissions are subject to no interference or disruption at any time, is a critical element in the ability of public safety agencies to respond quickly and efficiently.

WEBR-LP and NYMAC have cooperated in ensuring that public safety communications are not subject to interference and seek to continue these efforts. Specifically, each Party agrees to advise the other Party at least 60 days in advance of any change, alteration, or modification in its transmission facilities that may adversely affect or cause interference to the other Party's communications system(s). Such advance notice will afford WEBR(LP) and NYMAC an opportunity to evaluate the proposed change, alteration, or modification, including the opportunity to conduct any necessary engineering analysis and testing. Change, alteration or modification includes facilities changes, new transmission equipment installation, adjustment of power levels, and any alteration in antennae height, location or direction. If a proposed change, alteration or modification requires FCC authorization or notification, each Party will advise the other Party at least 60 days in advance of the filing of notification or an FCC application for such authority, except in emergency circumstances where such advance notice may be impractical. Under such emergency circumstances, each Party shall provide notice to the other Party at least simultaneously with the FCC notification or application. Each Party agrees to include, in its notification or application to the FCC, a written response from the other Party, if such response is provided within 30 days, stating its position on the proposed change, alteration or modification.

If, on the basis of a 60-day advance notification, engineering analysis or testing indicates that objectionable interference will occur, a Party may object to a proposed change, alteration, or modification by providing written notice within 30 days of the advance notification to the Party proposing the change, alteration or modification, including a copy of the engineering analysis and, if applicable, the testing results. In the event of an objection, WEBR-LP and NYMAC agree to cooperate and to make revisions to a proposed change, alteration or modification necessary to prevent interference from occurring. If a disagreement occurs, and cannot be resolved, WEBR-LP and NYMAC will present the matter to the FCC for resolution. Nothing in this letter agreement is intended by the Parties to change the basic terms and conditions of, or the obligations of the Parties under, the 1995 Waiver Order.

Both WEBR-LP and NYMAC request that this agreement be placed in the record of the proceedings of the Federal Communications Commission addressing Class A Television service as well as in the record of any application WEBR-LP to become a Class A television station.

² In the Matter of Waiver of Parts 2 and 90 of the Commission's Rules to Permit New York Metropolitan Area Public Safety Agencies to Use Frequencies at 482-488 MHz on a Conditional Basis, *Order*, FCC 95-115, 10 FCC Rcd 4466 (Mar. 17, 1995).

WEBR-LP

By

Y. A. Kwon

Respectfully submitted,
New York Metropolitan Advisory Committee

By

Vincent R. Stile
Vincent R. Stile, Director
Chairman, NYMAC
Police Communications Systems
County of Suffolk Police Department
30 Yaphank Avenue
Yaphank, New York 11980

By

Vincent M. Mansfield
Vincent M. Mansfield
Deputy Chief, Commanding Officer
Office of Technology and Systems Development
Police Department of the City of New York
1 Police Plaza
New York, New York 10038

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing comments was served on this July 14, 2000, by first-class, postage prepaid, upon each of the following persons:

Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554*
(With appropriate Copies)

Roy Stewart
Chief
Mass Media Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554*

Robert H. Ratcliffe
Deputy Chief
Mass Media Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554*

Keith Larson
Senior Engineer
Mass Media Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554*

Barbara Kreisman
Chief
Video Services Division
Mass Media Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554*

Jim Brown
Assistant Chief
Video Services Division
Mass Media Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554*

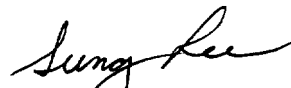
Hossein Hashemzadeh
Video Services Division
Mass Media Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554*

Young D. Kwon
President
K Licensee Inc.
136-56 39th Avenue
4th Floor
Flushing, NY 11354

Julian Shepard, Esq.
Verner, Liipfert, Bernhard, McPherson &
Hand, Chartered
901 15th Street, NW
Suite 700
Washington, DC 20005-2301

Michael Pratt, Esq.
Verner, Liipfert, Bernhard, McPherson &
Hand, Chartered
901 15th Street, NW
Suite 700
Washington, DC 20005-2301

*by hand delivery


Sung Lee